



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 2, 1993

Ms. Kerrie Qualtrough
Texas Water Commission
P.O. Box 13087
Austin, Texas 78711-3087

OR93-497

Dear Ms. Qualtrough:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19707.

The Texas Water Commission (the "commission") has received a request for information relating to a certain employment application. Specifically, the requestor seeks "a copy of the application of the individual selected for the EQS-IV Investigator position in Region 7 PN 93302 and any other documentation used to make the determination in this selection." You advise us that some of the requested information has been made available to the requestor. You have submitted the remaining information to us for review and claim that it is excepted from required public disclosure by section 3(a)(11) of the Open Records Act.

Section 3(a)(11) excepts "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993) (copy enclosed), this office held that section 3(a)(11) excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. An agency's policymaking functions, however, do not encompass routine internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. *Id.* at 5-6. As the information submitted to us for review relates to the department's personnel matters, *i.e.*, the selection of an individual for a specific employment position, we conclude that section 3(a)(11) does not except it from required public disclosure. Accordingly, the requested information must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/jmn

Enclosures: Open Records Decision No. 615

Ref.: ID# 19707

cc: Mr. Jim Kaylor
P.O. Box 14983
Austin, Texas 78761